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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,592	09/08/2003	Jamey Graham	015358-005710US	1929
20350	7590	03/07/2005	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			YUAN, ALMARI ROMERO	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/658,592	GRAHAM, JAMEY	
	<b>Examiner</b>	<b>Art Unit</b>	
	Almari Yuan	2176	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/24/04</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This action is responsive to communications: Application filed on 9/08/03, Preliminary Amendment filed on 6/21/04, and Information Disclosure Statement filed on 5/24/04.
2. Claims 25-45 are pending in the case. Claims 25, 32, and 39 are independent claims.

#### *Information Disclosure Statement*

3. The information disclosure statement (IDS) submitted on 5/24/04 has been considered by the Examiner.

#### *Double Patenting*

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 25-45 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 of U.S. Patent No. 6,647,534 B1.

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Although the conflicting claims are not identical, they are not patentably distinct from each other because narrower claims 1-7 of USPN 6,647,534 anticipate broader claims 25-45 of the instant application.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 25-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Miller (USPN 6,613,100 B2 – filed 11/1997).**

**Regarding independent claims 25, 32, and 39, Miller discloses:**

A method, used in a computer system that includes a user input device coupled to a processor, a display and a memory, for viewing at least one of a plurality of documents, including a document selected as a current document displayed in a first display area of the display (See Figures 2-5 and Abstract teaches viewing a plurality of documents represented by thumbnail images and a display area displaying current document), the method comprising:

(a) in response to a first signal from the user input device (See Figure 3, item 340 user-input device), displaying in a second display area of the display a representation of content of another document associated by a link to the current document, without

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selecting the other document as the current document and displaying the other document in the first display area of the display (on col. 8, lines 9-28 and see Figure 5 teaches other display areas 220-250 for displaying thumbnail images of web pages which are linked and related to the currently accessed web page that appears on the display panel 260 (see Figure 2B));

(b) in response to a second signal from the user input device distinguishable from the first signal, selecting the other document as the current document (on col. 4, lines 39-44 and col. 6, lines 50-66 teaches user selects appropriate thumbnail via user-input device);

(c) displaying the other document as the current document in the first display area of the display (on col. 8, lines 9-28 teaches when thumbnail is selected by the user, causes the web browser to displayed the selected web page on the web browser's display section 130); and

(d) repeatedly performing steps (a), (b), and (c), re-using the first and second display areas of the display, to present different documents in the plurality of documents to user (on col. 8, lines 21-47 teaches the user selects thumbnail image of a web page; the web page is displayed and all of the URLs contained within the web page are displayed as thumbnails images of web pages that are associates with the URLs).

**Regarding dependent claims 26, 33, and 40, Miller discloses:**

wherein said representation of content is a thumb nail image of the document (on col. 8, lines 9-28 teaches thumbnail image of a web page).

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**Regarding dependent claims 27, 34, and 41**, Miller discloses:

wherein said thumb nail image further includes highlighting of concepts of interest to the user contained within the document (on col. 6, lines 50-66 and col. 7, lines 25-39 teaches thumbnails are displayed corresponding to the chosen category based on user preferences).

**Regarding dependent claims 28, 35, and 42**, Miller discloses:

wherein said plurality of documents in a non-directed arrangement comprises pages of the World Wide Web (col. 8, lines 9-20 and see Figure 5 teaches viewing plurality of document via Internet Explorer).

**Regarding dependent claims 29, 36, and 43**, Miller discloses:

wherein said plurality of documents includes Hyper Text Markup Language (HTML) documents (on col. 1, lines 29-43 and col. 4, lines 5-18 teaches web pages viewed using web browser).

**Regarding dependent claims 30, 37, and 44**, Miller discloses:

wherein said plurality of documents includes documents produced by a word processing program (on col. 4, lines 5-18 and col. 6, lines 17-27 teaches word processor application).

**Regarding dependent claims 31, 38, and 45**, Miller discloses:

wherein said plurality of links comprises at least one Uniform Resource Locator (URL) (on col. 8, lines 9-28 teaches URLs).

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***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN 5,781,785 – Rowe et al. – 07/1998

USPN 6,647,534 B1 – Graham – 11/2003

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Almari Yuan whose telephone number is 571-272-4104. The examiner can normally be reached on Mondays - Fridays (8:30am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild, can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AY  
March 3, 2005

  
JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER